

E415
.9
C4 P6

LIBRARY OF CONGRESS



00026199359

E 415
.9
.C4 P6
Copy 1

CHIEF JUSTICE CHASE.

DP
BY JAMES S. PIKE.

— 1873. —

New York :
POWERS, MACGOWAN & SLIPPER, PRINTERS,
Corner Nassau and Frankfort Streets,
(SON BUILDING)
—
1873.

E 415

8

C4T6

14-5636

CHIEF JUSTICE CHASE.

IN the death of Chief Justice Chase there disappears from the ranks of the living the last of the four great men whom President Lincoln called into his Cabinet during the war of the rebellion.

Messrs. Seward, Stanton, Fessenden, and Chase were men of diverse character and qualities, but each in his own way was unrivalled. In the high arena of Senatorial debate Mr. Fessenden was superior to either. In the capacity of War Minister, with a million of men in the field, not one of them could have matched Stanton's imperious energy. In the direction of our foreign affairs, neither could have exhibited the copiousness, the fertility, or that genial facility of exposition that marked Mr. Seward's diplomacy. And it is not too much to say that no man in the whole country could have equalled Mr. Chase in that most embarrassing task of all, the successful management of our finances.

At the opening of the war there was nothing so difficult as the financial problem, and there was none upon which so little light was shed, either by our own experience or that of other nations. The vast proportions of the war required a corresponding system of finance to meet its enormous and constantly expanding demands. It was to Mr. Chase's bold simplicity and clearness of thought, and, above all, to his firm grasp and unbending will, that we owe the system which carried the country

triumphantly through its trials. He exhibited, far beyond any of his colleagues, that quality of administrative ability which the French set above every other, and which they term initiative. In this respect he was the greatest of them all. To cast down old systems and establish new, which shall stand the test of time and experience, and especially to do this during the tempest of civil war, is the work of genius. This is what Mr. Chase did. He overthrew the whole banking system of the country, and he erected another upon its ruins. And he did this alone, and against the passive or active resistance of the entire community. When all ordinary resources failed to furnish money for the war, he set in motion a unique agency for placing the national loans, which proved instantly and brilliantly successful. He invented the system of five-twenties and ten-forties for the permanent funding of the national debt; and no scheme has yet been found better than this in the completeness and flexibility of its operation.

With wonderful daring and force of character, he put aside the constitutional standard of value, and did not hesitate to override the fundamental law against impairing the obligation of contracts, in his eager and patriotic determination that every private interest should yield to the public necessity. He made it the condition of existence for the banks of the country that they should contribute their resources to the support of the public credit. He enforced this condition with vigorous determination against the most powerful opposition. A few banks would not comply, from prudential, and sometimes from political considerations; but Mr. Chase and his system triumphed, and they all at last acquiesced, or went out of existence. And pursuing his resolute methods, and with unabated confidence in his powers and resources, he in-

sisted on the reduction of the rate of interest on the national loans from six per cent. to five per cent., in the very height and pressure of the war, when three millions of dollars a day were required to maintain the armies in the field.

These were the great leading features of Secretary Chase's financial policy. Even this cursory review of them exhibits their novel and masterly character. They could only have emanated from a bold, original mind of distinct ideas, strong, unhesitating, revolutionary in its vigor, imbued with self-confidence, and feeling itself equal to any emergency. The novelty of Mr. Chase's situation, and the ease and ability with which he met each successive and threatening phase of it, carrying his great burden steadily to the end, have never been fully appreciated. But history will not fail to award him the title of greatness for his deeds during this period.

It were idle to say that in the prosecution of his large and vital schemes, Mr. Chase made no mistakes. If this were true, he would hardly have been human. The issue of his five per cent. legal tenders was a mistake. The legal-tender measure in its application to pre-existing contracts was a mistake, at least in our judgment. The injurious character of this application he himself recognized, and aimed to correct by his noble decision on its unconstitutionality after he became Chief Justice. But the easy-going public, and the lawyers of the great corporations who became his associate judges, were content to endorse even the errors of the great Secretary, which the wiser judge had himself condemned; thus exhibiting in vivid and striking colors the difference between greater and lesser men; between mere lawyers and statesmen, who while they recognize national necessities, maintain the prerogatives of justice over the plausibilities of the law.

But we have no need to criticise the defects in Mr. Chase's financial administration, when we find that both judges and legislators are unable to see them, or at least are thus far unwilling to recognize and remedy them, after long years of trial and experience.

The issue of the five per cent. legal tenders by Mr. Chase in the crisis of the war was an effort made with the laudable purpose of reducing the rate of interest on the new loans required. It did not attain this object, while it had the effect, in connection with dissatisfaction with the military situation, to rapidly advance the premium on coin, an effect which Mr. Chase was warned against, but which he refused to believe beforehand. But this, and the legal-tender measure, in its application to pre-existing contracts, were mere incidents of his general financial policy. While we take exceptions to them, others do not. The policy itself was broad and original. It carried the country majestically through the war. It paid the nation's debts. It has astonished the world by its success. Some of its leading features are to-day adopted by three millions of British subjects on our northern frontier. The financial prosperity of the country under the system of greenbacks and national bank notes has reached a fabulous height; and so enamored has the whole nation become of it, that it is impossible at present to get the popular approval even for any modification of the system, though such a modification has long been considered desirable and necessary by its author. This is a result which might well satisfy the highest ambition of the greatest of financiers.

Of Mr. Chase's career as Chief Justice, we may say it has been comparatively brief, and part of it has been clouded by illness. But without any long training as a lawyer in great cases, his clear and masculine intellect

was adjudged by Mr. Lincoln to afford ample reason for his elevation to the head of the court; and that opinion has been fully justified by the event. In every respect he has been master of his place. In the impeachment case of President Johnson all felt the presence of a controlling mind and will, which to a large extent shaped the character and result of that memorable trial. The dignified bearing of the Chief Justice on that occasion, his resolute and impartial purpose, and his lofty aim in behalf of what he deemed sound law and exact justice, were fully recognized at the time, and it will be long before their memory is obliterated.

In transacting the general business of the court, Judge Chase manifested those rare administrative powers that marked his whole life. They belonged to the character of his understanding. It was his nature to direct. His mind leaned forward, so to speak, to give tone to and exercise control over whatever came within the sphere of his action. He emitted force, activity, and energy. The business of his court was thus under the impulse of these qualities, and its action corresponded.

His leading opinions in court were mainly on questions connected with national affairs, questions touching the relations and powers of the rebellious States, the limitations of military authority, the legal-tender question, and others of a kindred character. On all these subjects his judgments were marked by the high qualities of the statesman as well as of the jurist, and they afford unquestionable proof of his clear and lofty intellect and broad and accurate perception of the demands of his position as the expounder of both law and equity. For he had always, in all the relations of life, a stern sense of justice, into whose service he believed in pressing the law whenever

possible. He gained his earliest renown as a lawyer from such convictions.

Mr. Chase became a United States Senator from Ohio in 1849. Mr. Seward was chosen in the same year. But while their sentiments did not materially differ on the slavery question, there was a variance in their political position. Mr. Seward represented the old Whig party, and aimed to preserve its organization. Mr. Chase was the representative of the Liberty party, so called, and the special advocate of anti-slavery ideas in a political organization established to render them practical in administration. With Mr. Seward the same ideas were of a more sentimental cast, and took on no immediately belligerent aspect. Mr. Chase was thus an object of even greater hostility on the part of the slave-holders than Mr. Seward. He stood alone, the representative and champion of his party in the Senate. Perhaps Mr. John P. Hale of New Hampshire, who had been chosen Senator in 1846, might claim the honor of holding a similar position; but it was pre-eminently Mr. Chase who was the object of the vindictive wrath of the slave-holding party. All their strong indignation fell first on him. His speeches on the subject of slavery were not frequent, but they were always terse, passionless, and logical. He was not, like some other anti-slavery men, regarded as a mere fanatic, but as a much more dangerous antagonist. He was considered an enemy to be feared, since he aimed to undermine and overthrow slavery by logical and practical processes, and not by sentiment and declamation. His position as Senator was an arduous and trying one. He stood outside of what was termed the "healthy political organizations," and was tabooed completely by pro-slavery intolerance, and, as far as possible, ignored in the business of legislation. It was a deliberate and offen-

sive ostracism of which he was every day made to feel the weight. Yet he bore himself with dignity, never allowing himself to be betrayed into unseemly altercation, which his adversaries aimed to provoke. His conduct as a Senator under these embarrassing circumstances forms one of the most marked features in his life. He steadily rose in influence and regard, and by the moderation and force of his character alone conquered the prejudices of his opponents and extorted their respect for his evident sincerity and devotion to his cherished convictions. And he did this without the graces of oratory, and without any commanding ability as a debater. It was the habit of Mr. Sumner* at that time, who had not then been elevated to the Senate, to say that Mr. Chase's Senatorial efforts were "Light without Heat." This was perhaps, in a certain sense, a just criticism; but that was a period in our anti-slavery history when heat was a much more abundant quality in the discussions of the time than light; and Mr. Chase's utterances were thus calculated to supply an important want. He never made an anti-slavery speech that could be replied to with effect, for the very reason that his logic was impregnable, while he indulged in no manifestation of feeling upon the subject.

Mr. Charles Francis Adams, in his late eulogy on Mr. Seward, credits that statesman with being the leader of the anti-slavery movement in this country, and also the leader of Mr. Lincoln's Administration. We cannot admit the accuracy of either statement. And we may say in passing, that it was not Mr. Seward who settled the

*NOTE.—It is but just to Mr. Sumner to say that in allusion to this remark, he thus speaks: "Do you not misapprehend the remark attributed to me? If made by me, it was not in 'criticism,' but in description, and probably suggested by the famous definition of equity, handed down from antiquity, 'mind, without passion.'" As it appears in your text, it is inconsistent with my sentiments towards the subject. I never was his critic. I place Mr. Chase as high as you do, everywhere."

Trent difficulty by deciding to surrender the captives, as is alleged by Mr. Adams.' Mr. Lincoln himself did this, in the single observation made by him, current at the time and current ever since, that the country could not afford to have more than one war on hand at a time. This was the key-note of that transaction, and Mr. Seward was left to make the argument. And without wishing in the least to detract from that eminent man's just renown, we must say that he lost an opportunity of striking a blow in favor of the rights of neutrals such as may not occur again in a century.

But it is of Mr. Adams's assertion in behalf of Mr. Seward, that he led the political anti-slavery movement, that we desire particularly to speak. If anybody can claim that distinction it is Mr. Chase. But we conceive that nobody can rightfully claim it. It is the glory of that movement that it had no chief. It was headed by an array of noble and earnest men, who moved shoulder to shoulder in the van of that holy enterprise. No one of them could be fairly said to be in advance of the other, or to be in any sense the leader of the movement. And the removal by death or desertion of any one, two, or three of the foremost could not have destroyed or even weakened the organization, or arrested its impetus. The great wave rolled onward by the force of the mighty inspiring ideas that were its quickening spirit. It was to the vitalizing power of truth, and not to the lead of any man, that its victory was owing. The men were there who represented that truth, but if they had fallen, others were ready to take their places. Among those foremost men was Mr. Chase. He was there by choice. He was an anti-slavery man, pure and simple, first and last.

Mr. Seward was a Whig first, and an anti-slavery man afterward. He never led the movement. He was

carried onward by it. He believed in the old Whig party. He was chosen Senator by it when it was overwhelmingly strong. He was averse to its destruction. He believed it could be educated so as to accomplish every needed result. He was thus opposed to the formation of a new party with resistance to the spread of slavery as its fundamental idea. Mr. Seward belonged to the party in which such men as Henry Clay, Daniel Webster, and Millard Fillmore were leaders; and they were wholly hostile to the ideas of the anti-slavery men. Mr. Seward differed from them in this, that he was willing to incorporate the new idea into the Whig creed, while they were not. But he resisted the formation of the new party to the last, and only joined it when he saw that the movement had attained such force and vitality that it would go on without him.

All this time Mr. Chase was urging with unremitting zeal the establishment of the new party under some significant appellation which would express its purposes. He suggested various names for it. In the numerous conferences of its friends at Washington during the winter of its birth, the titles of Free Democracy, Democratic Republican, and others were proposed by him. But under whatever name or title he cared not, so long as the party itself was created and christened. As the least objectionable of all, the name of Republican was finally adopted.

This was the difference in the position of these two subsequent leaders in the Republican party. If either led in this great initial step that ended in emancipation, it was not Mr. Seward, but Mr. Chase. And as it was then, so was it afterward. Mr. Chase pressed forward with determined front. Mr. Seward often relented. In his speeches in the session of 1860-61, Mr. Seward seemed

ready to compromise; Mr. Chase never manifested the slightest sign of giving way before the terrific events then in prospect. He felt the eternal justice of his cause, and he was ready to brave the consequences. He entered Mr. Lincoln's Cabinet in this spirit. Mr. Seward entered it also, but his recorded acts and utterances show that he did not wish to face the crisis, but was ready to make great sacrifices for the sake of peace. We do not say this with any view to disparage Mr. Seward. We utter it in the interest of historic truth. It illustrates the contrast between the two men.

Mr. Chase feared nothing. He was as averse to war as anybody. But he aimed at justice and righteousness above all things. His moral courage was equal to every occasion. It was buttressed all around by every faculty and quality of his nature. There was never any other question with him but what was the right thing to do, not what was expedient. Originally a Democrat, he left the Democratic party in the heyday of its power and its glory, on a conviction that it was wrong on the slavery question. He espoused the cause of the slave when it was hopeless. Solitary and alone he raised his flag, and called for recruits when there were few to follow. In all his administrative acts he pursued the same line of action. He did the same in his comparatively brief Congressional career. He did not seek what was popular, but vigorously pursued his own ideas, and left the world to follow or refuse to follow as it might. His aim through life was to shape events. This was particularly the case while he was in office. It was the cause of numerous conflicts of a subordinate character with President Lincoln, while he was Secretary of the Treasury. He was exacting in his department, and did not share his appointing power with any assistant. He thought

he knew better than anybody else who should be appointed ; and he organized his whole department on this basis, and would hardly tolerate the interference even of his chief. It was this strength of conviction and force of will that manifested itself in every situation, and rendered him a marked personality everywhere and at all times.

It has sometimes been made a subject of reproach to Mr. Chase that after the accomplishment of the great objects of the war, emancipation and enfranchisement, he coquetted with the Democrats and would have accepted their nomination for President in the election of 1868 if it had been tendered him. But it must not be forgotten that he was a Democrat from the start, by conviction and association. He believed that the general ideas of the Democracy in regard to State rights, limited powers, strict construction, and other fundamental precepts of the old Democracy, embodied the true doctrines of government ; and he wished the party that professed them and really believed in them to succeed. His aim from the beginning to the end of his career was always to bring the Democratic party into harmony with the anti-slavery sentiment, which he considered was merely to make it consistent with itself. In pursuance of this purpose he was willing to become its candidate. To succeed in this was to achieve a cherished design and accomplish a favorite object. If he could incorporate his own political ideas on the old Democratic creed, he would have a party that represented his ideal of the true political organization to govern in this country. It is the key to all of Mr. Chase's alleged political inconsistencies, to understand, that he was one who held steadily to the fundamental principles of democratic government, and sought always to apply them without regard to political organizations, or to conse-

quences of any kind. His attitude in the recent Presidential election was in harmony with these views. He advocated the union of Republicans and Democrats under the lead of Horace Greeley, and gave the movement his warm support. He thought the action of the Administration toward the South was cruel, revengeful, and corrupt. He did not believe in Gen. Grant's style of government, and felt very keenly his appointment of judges to the Supreme bench for the purpose of reversing the well-considered and well-founded decision of the court in the legal-tender cases.

As one of the most forward and urgent of its founders and originators, Mr. Chase may well be supposed to have fully understood the objects of the Republican party. He regarded it as an instrument to achieve a purpose. When the war was ended, and all its brilliant successes and triumphant results assured, his most fervent desire was that all hostility between North and South should cease. He desired above all things harmony and reconciliation. He sought in every way to abate animosity and restore fraternal feeling. He desired the crushed, and broken, and desolated South to be speedily rehabilitated and re-instated in its former prosperity. He had been the friend and champion of the blacks when they were enslaved and under foot, and now he desired to see not one right or privilege of the white man abridged or withheld from him in the new order to be established.

He saw the tendency of things was to continue the punishment of the white man, and he deprecated its injustice and impolicy, and set his face against it. He looked upon the slave-holder as a spoilt child, who deserved punishment, but who had got all, even more than all he deserved. The idea of regarding him as a perpetual culprit and enemy, was abhorrent to his mind.

The same sense of justice that animated him in espousing the cause of the slave, rose in hostility to the needless humiliation and punishment of his old oppressor. The events of the war had not disturbed the just balance of his powers, nor was his mind warped or beclouded by the passions that contest had evoked.

In the serenity of his nature, he contemplated the situation with candor and clearness. When the blind partizan feeling of the country countenanced and defended slavery, he set himself resolutely against its injustice. When the tables were turned, and it was no longer the black, but the white man of the South, who was made the victim of prejudice and passion, he just as determinedly put himself in an attitude of hostility to that. It was the misfortune of the country, that mortal disease had laid its remorseless hand upon him, prior to the selection of an opposition candidate for the Presidential canvass of 1872. If Mr. Chase, in the fullness of his health and vigor, had led in that memorable contest, the result would probably have been far different from what it was.

But it was ordained otherwise; and while the country has been deprived of his further personal services, there is left to it the rich legacy of his opinions and his judgment upon the complications that are fast rising upon the horizon, through the mismanagement of the Southern question—complications that might have been, and ought to have been, and would have been averted, but for the presence of a moral and mental insensibility in our national affairs, every way discreditable to the country.

It is ever the lot of public men of eminence to encounter obloquy. Mr. Burke goes so far as to say, "it is a necessary ingredient in all true glory." Perhaps Mr.

Chase was called upon to endure less of it than any one of his contemporaries. It is the great complaint of scores of our public men, living and dead, that they have each been the victim of unequalled malignity, by the imputation of bad motives and by the denial of all just and patriotic impulses for their conduct. To men conscious of their own integrity, it is hard to bear these slings and arrows of outrageous fortune. But no man felt or bemoaned them less than Mr. Chase. In his case they were charges of selfishness and ambition. As he was unconscious of either, the allegations never ruffled him. They are charges easily dealt with. None more so. They may be true of any man without being derogatory to his character, or injurious to his reputation. Ambition usually involves selfishness. But a man may be justly and honorably ambitious. It depends on the character of his ambition, whether it is any reproach to him. There are foul and gross ambitions—ambitions that wade through seas of blood to reach a throne—ambitions that would wreck the fortunes of a struggling nation to attain a personal end. Such are the ambitions of the usurpers and tyrants of all history, and of the Arnolds and Burrs of our own annals. But of the ambition to reach a high or the highest station, in a free commonwealth, by open and honorable methods, what is there in that to provoke censure?

If Mr. Chase is amenable to any charge of being ambitious, it is only this. With a nature born to command, with clear views of public policy and public necessity, with an inflexible will, and an earnest purpose to realize his conceptions, what less strange or less blamable than that he should covet a theatre on which to act, and which would afford him the means of carrying out his

ideas? If he aimed at this, simply by impressing the public with his ability, and his patriotism, and his integrity, making use of no corrupt influences, or degrading agencies, and descending to no low arts or sinister enticements, but seeking only to show that he was capable of advancing the best interests of his country—we might admit the charge that he was thus ambitious, with no detriment to his fame. The charge is merely that Mr. Chase desired to be President. There is no pretense that he ever sought the place by unworthy means. As implying any stain upon his reputation, it thus dissolves and disappears in the handling. We feel a freedom in treating the imputation since it does not necessarily involve dishonor, whether it be repelled or not. It is unlike those vulgar and grosser vices which the public sense instinctively detests as indicative of grovelling natures—such as prevarication, falsehood, venality, and corruption. No breath of slander, even, ever tarnished for an instant Mr. Chase's name or character throughout all his public career in these respects. He was above suspicion as well as above reproach. His native rectitude was of such a lofty type, his integrity so complete, the stature and complexion of his inborn manhood so commanding, that he challenged recognition everywhere and at all times, as an illustrious specimen of that noblest work of God—an honest man.

Resolution was a leading characteristic of Mr. Chase's mind. He was bold, determined, fearless, even wilful. He abhorred indirection and inaction. He was not a man of roving intellect, or a dilettante optimist. He had precise views and purposes, and the question with him was how to accomplish them. He did not so much believe in things coming right as in putting them right. He did not profess to have a philosophy adapted

to every phase of human affairs, so much as to have settled and determinate ideas upon the subjects which it was his duty to deal with.

Whether in the domain of public or private life, or in that of ideas, his opinions were fixed and his judgments established. He indulged in no fantasies of speculation. What he knew, he knew. What he did not know, he did not. He had a mental reticence and a profound sense of the great issues of our being, which forbade him from approaching the discussion of such topics, except with feelings of reverence and awe. The religious sentiment was strongly imbedded in his nature, and it is no slight testimony to its validity that it was able to make so firm a lodgment in a mind like his. But his sterling honesty and the wonderful vigor of his moral fibre formed a nature so robust and rugged that he did not so much as other men need the support of religious conviction. He was of the fullest stature and the highest pattern of manhood, without regard to his beliefs.

But private life is the great test of character. It is comparatively easy to have a Sunday habit for the world, and to remain ever unspotted to its gaze. But in the intimate relations of the friendly and family circle, to be wholly irreproachable is given to few. Among these few Mr. Chase stands conspicuous. In this sphere he seemed without faults or failings. Calm, dignified, social, and warm-hearted, he was the joy of his friends and the delight of his associates, not only for his active, but for his negative qualities. He was not merely pleasing, he was in no way displeasing. His habit of command, naturally cultivated in his high duties of administration, and his native decision of character, could never be fully disguised any more than his lofty moral qualities; but they were so tempered by an unflinching

sense of justice, and by such sweetness and evenness of disposition, that they rather added to the charm of his presence. His affectionate nature was his own great solace. It drew around him tender and faithful hearts, who enjoyed and who sympathised with him, and who, until bereft by death, did not know how much they loved him.

Of Mr. Chase's mental gifts we have not spoken except incidentally. Without any surprising reach of mind, he possessed extraordinary force and precision of thought. He had a judicial intellect. Nature formed him for a judge. But she also made him for an actor in affairs. So distinct were his conceptions and so methodical his mental operations, that it is hard to affix a limit to what he was capable of in the line of abstract investigation.

He displayed resources as an administrative officer that imply an intellectual power and acumen beyond what would be inferred from his speeches or writings. He had a great faculty of explanation. He could make abstruse things seem very plain by comparatively few words. He was not deterred from undertaking to elucidate any topic because of its difficulty, or because it did not come within the range of his special studies. Anything that was valid and real he attacked with confidence. He had a faculty of knowing what was really knowledge; but he resolutely declined to employ his powers in dim speculations upon the unknown and the intangible. And yet he was fond of the lively play of fancy in poetry; his sense of wit was broad and genial; he doted upon the humorists and could even make verses himself on occasion. But though his mind, like that of most public men, dwelt mainly in the actual, and expended its vigor in expounding and elucidating known principles and doctrines, yet



it did not confine itself to these. It had an original motion of its own. Its tone was progressive, rather than conservative. This was amply shown in his anti-slavery career. It was particularly manifested in his financial projects and management, where he broke boldly away from old example and high authority and became a law unto himself, demonstrating his prescience by his success. He possessed great alertness of mind, showing wisdom to conceive as well as discretion to act. It was not that wisdom which comes of correctly judging the comparative merits of the notions or systems of others, which is the type of most wisdom in the world, but it was that higher quality of mental action which originates problems, and then accurately solves them. This was a quality exhibited by Mr. Chase far beyond any of his contemporaries. It constitutes his chief claim to great intellectual distinction. And this power he displayed chiefly in the discharge of his duties as an administrative officer. But it is none the less clearly a specific intellectual faculty.

On the whole, therefore, we are amply justified in pronouncing him one of the wisest, greatest, noblest men of his time. His character merits the highest eulogy, and deserves to be held in everlasting remembrance as a precious legacy to the youth of his country; and it is his glory that in the great crucial trial of republican institutions he did as much as any man of his day and generation to demonstrate the efficiency of democratic government and preserve it pure and stainless before the world.

